

REMARKS

The Office Action of July 3, 2006 has been reviewed and the comments therein were carefully considered. Claims 1-18 are currently pending. Through this Amendment and Response, claims 1 and 13 have been amended. No new matter has been added. As explained in more detail below, Applicants respectfully submit that all pending claims are in condition for allowance and respectfully request such action.

Rejections Under 35 USC §112

Claims 1-12 and 18 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. First, the Office Action alleges the limitation of claim 1 reciting “validating the design of the system by comparing the hosting environment model to the application model” is “incomplete”. Applicants respectfully traverse the rejection as the term “validation” is well-known to those skilled in the art as validation processes are routinely carried out in virtually all software and hardware applications (albeit differently than the claimed embodiments of the instant application). The Applicants also respectfully submit that paragraph 26 shows one exemplary validation step according to one embodiment where:

Validation module 214 compares the models of the application and hosting environment included in concrete type model documents 212 to determine whether application settings satisfy hosting environment constraints and/or hosting environment settings satisfy application constraints. Validation results may then be passed back to development tool 200.

(Emphasis added) Therefore, the Applicants respectfully submit that the term “validating” with the limitation is not indefinite and respectfully request withdrawal of the rejection.

The Office Action further indicates that the term “logical” in “logical computer workstation” as recited in claim 7 is believed to be indefinite. The Applicants respectfully traverse the rejection. As one skilled in the art will readily appreciate, a “logical computer workstation” is a computer workstation having one or more logical connections or devices. As provided in the Specification in reference to exemplary logical connections in an illustrative general purpose computer system:

The logical connections depicted in Figure 1 include a local area network (LAN) 112 and a wide area network (WAN) 113. Such networking environments are commonplace in offices, enterprise-wide computer networks, intranets and the Internet.

(Spec; para. 15; emphasis added) Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection.

Rejections Under 35 USC §102

Claims 1-18 are rejected under 35 USC §102(e) as being anticipated by Loewy, et al., U.S. Publication No. 2004/0193703 (“Loewy”). Applicants respectfully request reconsideration in view of the Remarks below.

Applicants first respectfully submit that the “policies” of Loewy are not equivalent to (nor do they suggest) the “settings and constraints” as recited in the rejected claims. First, Loewy’s “policies” are not placed on a model hosting environment and/or an application. In fact, the hosting environment of Loewy appears to be predefined through the actual network that is already in place, not through a hosting environment model. Specifically, Loewy first sets forth: “[s]ystem server 54 may be connected to a network such as the Internet or Intranet 52.” (Loewy, para. 0047). As further provided in the paragraph cited by the Office Action, Loewy “depicts a method of governance and/or conformance...in distributed, multi-user environments”. (Id., para. 0048) The remaining paragraph details how the system server accepts an interface document or data through the actual network, where the “system server 54 may compare the received interface document to the pre-defined enterprise policies, to determine the interface document’s conformance with the policies”. (Id.) To more clearly indicate the models of claims 1 and 13, they have been amended to ensure the application and/or hosting environments are referred to as models where appropriate.

Along these lines, Loewy is directed towards “systems, methods, and apparatuses that provided conformance and/or governance in...a distributed architecture”. (Field of the Invention; para., 0002; emphasis added) This is distinctly different that validation. For example, as explained in Loewy: “[o]nce policies are defined, and conformance processes are in place, users such as policy and decision makers may be able to, for example, govern implementation,

encourage reusability, manage collaboration processes, and analyze business metrics, thereby enabling policy integration". (Id., para. 0046; emphasis added)

Thus, the "policies" of Loewy are merely placed upon developed systems that have already been designed, validated, and deployed on actual distributed environments and merely allow a policy maker to implement select policies on the software and are not equivalent to nor suggest the "settings and constraints" placed on the application and/or hosting environment models as recited in the rejected claims. Likewise, Loewy cannot be said to teach or suggest the subject matter of claims 17 and/or 18 since Loewy does not show or otherwise suggest the "validating" step as recited.

Applicants, therefore, respectfully request consideration and withdrawal of the rejection and allowance of claims 1-18.

Claims 1-7, 13 and 18 are rejected under 35 USC §102(e) as being anticipated by Becker, et al., U.S. Publication No. 2003/0195921 ("Becker"). Applicants respectfully request reconsideration in view of the Remarks below.

Like Loewy, Becker appears to merely be directed towards deploying fully-developed applications on existing distributed environments referred to as "target server machines". (See, e.g., para. 0010, 0013 - 0017). While, Becker does disclose a "Server Machine Model (SMM)", the SMMs merely "describes the server machine". (Id., para. 0029; see para. 0057 for further discussion of the SMM) Thus, the SMMs merely refer to physical servers that are part of the distributed environment where the fully-designed application is to be targeted. Therefore, Applicants respectfully submit that Becker does not disclose, teach, or otherwise suggest the step of at least "validating the design of the system". Further, Applicants have amended claim 1 and 13 to more clearly recite the configurable aspect of the hosting environment settings and constraints. (Claim 1 has been amended to recite: "hosting environment model includes configurable hosting environment settings and constraints placed on the application model; and Claim 13 has been amended to recite: a module for setting configurable hosting environment settings and identifying hosting environment constraints in a hosting environment model). This

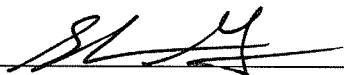
is distinctly different than the SMMs of Becker. Support for the amendments can be found in the Specification, for example, paragraphs 22-24 and Figure 4). Likewise, Becker cannot be said to teach or suggest the subject matter of claims 17 and/or 18 since Becker does not show or otherwise suggest the "validating" step as recited.

In view of the foregoing, Applicants respectfully request consideration and withdrawal of the rejection and allowance of claims 1-7, 13 and 18.

CONCLUSION

Applicant therefore respectfully requests reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

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